



**STATE OF ARKANSAS
TOWING & RECOVERY BOARD
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Noel Foster
Citizen Representative
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MINUTES

April 29, 2009

The Arkansas Towing & Recovery Board convened on Wednesday, April 29, 2009 at 9:30 a.m. in the 2nd floor conference room of the Attorney General's Office at 323 Center Street, Little Rock, Arkansas. Chairperson Glenna Butler called the meeting to order with roll call. Chairperson Glenna Butler, Chairperson, Treasurer Arlon Hickman, and Members: E. L. Jacobs, Mary Thoma, Ronnie Walker, Noel Foster and Avon Phillips Jr. were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, Board Investigator Gary Ashcraft, Board Consultant B.G. Hendrix, and Assistant Attorney General Don Barnes were also, present. Vice- Wayne Edwards and Members Charles Bokker, Jr. were not present.

Chairperson Butler confirmed members had received the Minutes from the March 18, 2009, meeting with a Motion by Jacobs and a 2nd by Foster, the Board voted 7-0-2 to accept the Minutes as written.

Treasurer Hickman reported expenditures of \$ 5,106.61 and revenues of \$ 25,413.70 for a checkbook balance as of April 29, 2009 of \$ 111,722.52 (Note: Copy Treasurers' Reports are filed with these Minutes).

Chairperson Butler welcomed guests Member Mary Thoma's Mother and Aunt.

Disciplinary Hearing

1. **Complaint No. 09-01-096** – Ricky Null DBA Baseline Auto: found in violation of A.C.A 27-50-1201 and Rule 6.1, and 6.2; fined \$1,000 with enforcement clause.
2. **Complaint No. 09-02-107** – HBK Enterprises, Inc.; DBA Sherwood/Indianhead Exxon: found in violation of A.C.A 27-50-1201, Rule 6.1 and 6.2; fined \$750 with enforcement clause.

On-Going Business

1. **Progress Report:** Clerical Assistant Staggs reported as of April 28, 2009:
2. 96 non-consent safety licenses; 83 new, 95 1st renewal, and 60 2nd renewal non-consent permits; 51 consent safety licenses, 40 new, 30 1st renewal, 15 2nd renewal and 00 Trailer consent permits were issued, 32 walk-in applications, 08 applications with deficiencies, and 19 unprocessed applications. (Note copy of Clerical Report is filed with these Minutes).
3. **Complaints Report:** Board Investigator Ashcraft reported as of April 28, 2009: 31 telephone complaints, 25 written complaints, and 00 Notices of Non-renewal were sent. An estimated 75 pending complaint investigations, 04 pending complaint hearings, and 20 closed complaints. 00 Offer of Settlements were sent. The complaints were broken down into itemized

categories on the report. (Note: copy of Complaint Report is filed with these minutes)

3. **Administrative Appeals:** Attorney Barnes reported on 3 complaints on appeal:
 - A. **Complaint No. 06-12-158** Asher Wrecker Service, Inc. Attorney Barnes reported current issue with the record and waiting on briefing.
 - B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of Conway, Inc, Attorney Barnes reported an Order of Discovery was received for declaratory judgments. Appeals are still pending.
 - C. **Complaint No. 08-06-150** – Gene Zajac DBA Blue Hill Wrecker Service Attorney Barnes reported record has been filed waiting on a briefing date.

Old Business

1. **Arkansas State Police:** Ashcraft reported we continued work with Captain Mark Allen.
2. **Legislative Committee:** Lauen presented new legislation passed in the 2009 Session pertaining to the towing industry:
 - a. **SB 84/Act 14:** Lauen reported our budget has made it through the legislature.
 - b. **HB1397/Act 313:** Lauen reported this bill is regarding release of vehicles and proof of insurance for government owned storage facilities.
 - c. **HB 2034/Act 644:** Lauen reported this is the Board's bill.
 - d. **SB830/Act 681:** Lauen reported this bill gives any city or organized town to regulate private property tows by city ordinance, as long as it does not violate A.C.A 27-50-1101. It also removes towing operators as agents for property owners, as well a few other minor changes. This bill places machinery and implement equipment abandoned on private property under the same guidelines as vehicles. It also places the balances of charges after the maximum allowed under city ordinance to be the responsibility of the property owner.
 - e. **SB915:** Lauen reported did pass.

Other Business

1. **Board 2010 Budget:** Lauen presented a generic break down of the Budget for fiscal year 2010. After some discussion, with a motion by Thoma, 2nd by Hickman, the Board voted to approve the Budget for FY 2010.
2. **Next Meetings:** May 27, 2009, and June 23, 2009, 2nd floor conference room, Tower Building, 323 Center, Little Rock, Arkansas.

Meeting adjourned 11:30 a.m.

Signed _____
Glenna Butler, Chairperson or
Wayne Edwards, Vice-Chairperson

Attest _____
Cynthia Lauen, Director

Approved _____ (Date)